

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**JENNIFER QUINTANA and
DAVID QUINTANA**

VS.

**STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY**

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**C.A. NO. 4:11-cv-00007
(JURY)**

DEFENDANT'S OBJECTIONS TO COMPLAINANTS' BILL OF COSTS

Defendant, State Farm Mutual Automobile Insurance Company ("State Farm"), submits these objections to Complainants' Bill of Costs filed on December 20, 2012. Defendant would show as follows:

1. Complainants filed their Request to Enter Bill of Costs on December 20, 2012 seeking taxable court costs totaling \$7,237.95. The Bill of Costs submitted includes several charges that are not taxable as well as a duplicate charge, thus seeking \$942.85 in costs that are not recoverable. Defendant requests the following expenses be disallowed from Complainants' Bill of Costs:

2. **Duplicate Charges for Witness Fee** – Complainants' Bill of Costs lists a witness fee of \$93.95 for calling Diane Patterson to Trial. Defendant does not object to the witness fee for Diane Patterson. However, the Bill of Costs also requests \$235.95 in fees for Service of Summons and Subpoenas. The invoices in support of the subpoena fees are attached as Exhibit D to Complainants' Bill. The invoices reflect a subpoena fee of \$75.00 on Diane Patterson incurred on August 11, 2012, a second subpoena service fee of \$85.00 on Diane Patterson on October 20, 2012, and a witness and mileage fee paid to Diane Patterson of \$93.95, for a total of \$235.95. Since Complainants seek recovery of the witness and mileage fee for Diane Patterson

separately, this is a duplicate charge for this fee. Thus, Complainants' Bill seeks recovery of the witness fee and mileage expenses paid to Diane Patterson twice.

3. **Paper Invoice Charge** – Complainants have submitted a \$25.99 bill for the filing and service fee in connection with a Motion to Substitute Counsel. The invoice attached as Exhibit C to the Motion reflects a charge of \$10.00 for a paper invoice for this filing. Defendant objects to paying the fee for a paper invoice as it is not a necessary and reasonable fee for the prosecution of the case.

4. **Duplicate Copy of Deposition Transcript** – Complainants seek recovery of \$357.00 for the Oral Deposition of Jack Williamson. The invoice submitted in support of this charge shows a charge of \$218.10 for the original transcript, a charge of \$118.90 for a copy of the transcript, and a charge of \$20.00 for the e-transcript for a total of \$357.00. Defendant objects any charge other than for the original transcript, and specifically objects to the charges for a copy of the transcript and the e-tran totaling \$138.90.

5. **Rush Fees for Medical Records** – Complainants' Bill seeks \$6,157.06 for obtaining copies of Complainants' medical records and billing records for use at trial. The invoices for these orders are attached as Exhibit G to Complainants' Bill. Complainants subpoenaed 33 sets or records in March and April 2012. Of those requests, 28 were placed on a rush basis and incurred a "rush" fee of \$25.00 each, for a total of \$700.00 in "rush" charges. Defendant objects to paying the "rush" charges totaling \$700.00 because they were unnecessary and due solely to Complainants' failure to act with diligence in obtaining such records for trial.

In summary, Defendant requests the following items be stricken from Complainants' Bill of Costs:

Duplicate Charges for Witness Fee - \$93.95

Paper Invoice Charge - \$10.00

Duplicate and E-Tran Copies of Deposition Transcript - \$138.90

Rush Fees for Medical Records - \$700.00

Total Disputed Costs - \$942.85

WHEREFORE, PREMISES CONSIDERED, Defendant, State Farm Mutual Automobile Insurance Company, respectfully prays that the Court strike \$942.85 in disputed charges from Complainants' Bill of Costs, and for such other relief as the Court may deem appropriate.

Respectfully submitted,

GERMER GERTZ, L.L.P.

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By: /s/ Barbara L. Hachenburg

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**Attorney-in-charge for Defendant,
State Farm Mutual Automobile Insurance
Company**

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court for the U.S. District Court, Southern District of Texas, using the electronic case filing system of the Court on this 26th day of December, 2012. The electronic case filing system sent a "Notice of Electronic Filing" to the following attorneys of record who have consented in writing to accept this notice as service of this document by electronic means:

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